

65 INDEPENDENT AGENCIES – REGULATORY

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 290 Standards for Billing, Credit and Collection, and Customer Information for Eligible Telecommunications Carriers Providing Basic Telephone Service.

SUMMARY: This Chapter establishes consumer protections for the provision of local exchange telephone service by eligible telecommunications carriers in Maine. These rules govern interruptions in service, the granting and denying of service, provision of consumer information, credit and deposit practices, billing, disconnection, customer complaint procedures and methods of obtaining exemptions and variations from this Chapter.

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§ 1 PURPOSES

The purposes of this Chapter are to:

A. Inform consumers. Ensure that customers and applicants for service from eligible telecommunications carriers (ETCs) are provided adequate and timely information about basic service, intrastate toll service and optional service.

B. Prevent discrimination; ensure reasonable access to service. Ensure that all customers and applicants are treated in a nondiscriminatory manner and are not unreasonably denied or disconnected from telecommunications service.

C. Establish minimum consumer protection standards. Establish minimum consumer protection standards that apply to all ETCs. An ETC may provide greater levels of consumer protection than those established in this Chapter.

§ 2 DEFINITIONS

A. Account balance. "Account balance" is the total amount owed by a customer that has been billed in accordance with this Chapter.

B. Advance billing. "Advance billing" is a requirement that a customer prepay charges for services that will be provided during a specific, identifiable period in the future. Advance billing does not include any funds retained as a security deposit.

C. Amount overdue. "Amount overdue" is the amount that an ETC has billed to a customer and that has not been paid by the due date of the bill or by a date otherwise agreed upon.

D. Applicant. "Applicant" is any person who applies for basic, toll, or optional services and who is not a customer of the ETC.

E. Basic service. "Basic service" is single-party service, voice grade access to the public switched telephone network, Dual Tone Multi-frequency or its functional digital equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance, and access to toll limitation. Basic service also includes all basic service attributes and standards mandated by federal and state statute and rules.

F. Bill. "Bill" is a written statement (printed or electronic) from an ETC to a customer that states the amount owed by the customer for the current billing period, the amount overdue, the account balance, late fees and any other charges owed by the customer.

G. Billed Account. "Billed account" is an account that is assigned a unique identification number by the ETC for tracking purposes

H. Carrier. "Carrier" is any entity providing basic service, toll service or optional service to the public.

I. Clear and Conspicuous. "Clear and conspicuous" is that which would be readily apparent to the average customer.

J. Commission. "Commission" is the Maine Public Utilities Commission.

K. Consumer Assistance Division. "Consumer Assistance Division" is the Consumer Assistance Division of the Maine Public Utilities Commission.

L. Customer. "Customer" is any person who has applied for, been accepted and is receiving basic service, intrastate interexchange telecommunications service, interstate telecommunications service, or optional service in this State or has agreed to be billed for the same.

M. Deposit. "Deposit" is any funds, however designated, that are held as security for future payment or performance.

N. Dispute. "Dispute" is a grievance of an applicant or customer regarding an ETC's provision of service, application of Title 35-A, or any Commission rule.

O. Due date. "Due date" is the date by which payment must be received and after which the account is considered overdue.

P. Eligible Telecommunications Carrier (ETC). "Eligible telecommunications carrier" is a basic service provider designated by the Commission as an eligible telecommunications carrier for purposes of section 254 of the Telecommunications Act of 1996, 47 U.S.C., § 151 *et seq.*

Q. Lifeline/Link-up. "Lifeline/Link-Up" is a program that provides financial assistance to qualifying low-income customers to obtain and receive basic service pursuant to Chapter 294 of the Commission's rules.

R. Minimum Basic Service. "Minimum basic service" is basic service that is not bundled with other services, complies with this rule, and is available to all customers.

S. New Service Provider. "New service provider" is a service provider that did not bill the customer for service during the service provider's last billing cycle. This definition excludes service providers who bill the customer solely on a per transaction basis.

T. Optional service. "Optional service" is any telecommunications service other than basic service or toll service.

U. Payment arrangement. "Payment arrangement" is an agreement between an applicant or customer and an ETC that allows the applicant or customer to pay an account balance or deposit in installments.

V. Residential service. "Residential service" is telecommunications service that is provided to a residence and used primarily for domestic purposes.

W. Service provider. "Service provider" is any entity that offers a product or service to a customer, the charge for which appears on the bill of the ETC.

X. Toll service. "Toll service" is intrastate or interstate interexchange telecommunications service.

Y. Toll service provider. "Toll service provider" is any carrier that provides toll service to its customers.

§ 3 JURISDICTION

This Chapter applies to all telecommunications carriers who have been certified by the Commission as eligible telecommunications carriers pursuant to section 254 of the Telecommunications Act of 1996.

§ 4 EMERGENCY MORATORIUM

When the Commission or the Director of the Consumer Assistance Division determines that, due to an emergency, termination of telecommunications service by one or more ETCs would present a clear danger to the health or safety of one or more customers, the Commission or the Consumer Assistance Division Director may declare a partial or complete moratorium on the termination or disconnection of telecommunications service by any or all ETCs.

§ 5 NON-DISCRIMINATION

An ETC shall provide service and apply credit and collections policies to applicants and customers without discrimination on the basis of race, color, ancestry, sex, age, national origin, religion, marital status, receipt of public assistance or the exercise of rights under state or federal consumer protection laws.

§ 6 UNFAIR OR DECEPTIVE PRACTICES

A. Deceptive names prohibited. An ETC may not use a company name that is deceptive or unreasonably confusing to consumers.

B. Application of Maine Unfair Trade Practices Act. An ETC shall not engage in conduct prohibited by the Maine Unfair Trade Practices Act, 5 M.R.S.A. §§ 205-A-214 and related consumer protection statutes.

§ 7 CUSTOMER PRIVACY

An ETC shall comply with the Federal Communication Commission's Customer Proprietary Network Information Rules, 47 CFR §§ 64.2001-2009.

§ 8 CUSTOMER RIGHTS

A. Notice. An ETC shall provide a summary of a customer's rights and responsibilities under this Chapter to all new customers. The notice may be provided either through a direct mailing, bill inserts, or by including the notice in the ETC's directory.

B. Content of notice. The Notice shall:

1. Billing procedures. Describe the ETC's billing procedures, e.g. billing frequency and assessment of late fees (if any);

2. Accuracy verification. Explain how a customer can verify the accuracy of her or his bill;

3. Payment options. Identify a customer's options for making payment, e.g. location of payment agencies, and optional payment programs offered by the ETC;

4. Deposit requirements. Describe the ETC's security deposit requirements;

5. Disconnection procedures. Describe the ETC's procedures for disconnection and reconnection of basic service;

6. Dispute resolution procedures. Describe the ETC's dispute resolution and appeal procedures;

7. Emergency service. Describe the procedures that a customer or occupant may follow during emergency service interruptions, including how to notify the ETC of the need for priority restoration due to the presence of life support systems;

8. Third-party notice. Describe procedures for having a third party receive copies of notices;

9. Limitations of liability; abatement and damages. Describe the ETC's limitations on liability for service interruptions contained in its tariff, when a customer may request a claim for abatement, and how a customer can submit a claim for damages or abatement due to service interruptions; and

10. Contact information. Identify telephone numbers and addresses of the ETC and of the Commission where further inquiries may be made.

C. Notice of significant changes to terms and conditions. An ETC shall provide notice to all customers affected by a significant change in the ETC's terms and conditions. The notice shall thoroughly describe the change and may be provided either through a direct mailing or bill insert, or by including the notice in the ETC's directory.

§ 9 APPLICATION FOR SERVICE

A. Obligation to provide service. An ETC may not refuse to provide minimum basic service to an applicant. An ETC may condition the granting of service in specific circumstances as described below:

1. Past overdue amount. An ETC may condition the granting of service on the applicant paying an undisputed amount overdue for previous basic service provided by that ETC if the applicant accrued the debt within the prior 6 years and if the applicant is legally responsible for the debt, and subject to a, b and c below.

a. The ETC must offer a payment arrangement to the applicant on the undisputed balance before service is initiated.

b. Within 60 days of the customer's request for service, the ETC must provide written notice to the customer of the outstanding debt and its intention to collect the outstanding debt.

c. The ETC must allow the customer at least 30 days after receipt of the written notice to pay the debt or enter into a payment arrangement. If the customer fails to respond during this time period, the unpaid amount may be transferred to the customer's current account and disconnection procedures may be initiated for failure to pay or make a payment arrangement.

2. Deposits for applicants for residential service. An ETC may condition the granting of service on the payment of a deposit if there exists an undisputed amount overdue for basic service billed to the applicant within the prior 6 years.

a. Amount of deposit. The amount of the deposit may not exceed the applicant's basic service charges for 2 months.

b. Error. If the ETC determines that a deposit was requested in error, the ETC shall promptly refund that customer's deposit with interest.

3. Applicants for nonresidential service. An ETC may require a deposit from any applicant for nonresidential service regardless of the applicant's credit worthiness. The deposit may not exceed the applicant's basic service charges for 2 months.

4. Obligation of ETC to provide service. An ETC that properly conditions service upon one of the conditions described in this section is not obligated to provide service to a customer if the customer fails to meet the required condition(s).

B. Service in another's name. An ETC may not require that an applicant pay for basic service provided in another person's name unless a court, the Commission, or administrative agency has determined that the applicant is legally obligated to pay for that service.

C. Lowest rate basic service plan. An ETC shall inform an applicant of the lowest rate basic service plan available to the applicant at the time of the application for service.

D. Enhanced service offerings. Nothing in this rule shall prevent an ETC from offering basic service bundled with other services, provided that the ETC also offers a "minimum basic service option" that complies with this Rule.

§ 10 CONFIRMATION OF ORDER WITH WRITTEN TERMS AND CONDITIONS

An ETC shall provide customers with written confirmation of orders generated by outbound sales calls. The written confirmation must include the specific terms and conditions for each service ordered by the customer and must be provided no later than the time the customer receives the first bill for service. The written confirmation may be included with the first bill for services. Orders for services generated by inbound calls from customers do not require written confirmation.

A. Services and fees.

1. Price, fees, and terms and conditions. The written confirmation shall disclose each service or package of services ordered by the customer with its separate price, late fees, fees for installation, disconnection, termination or cancellation, registration fees, and any other terms and conditions to which the customer is required to adhere.

2. Disputes. The written confirmation shall include instructions on how to dispute charges with the ETC.

3. Price of service. The written confirmation shall include all relevant information necessary for the customer to calculate the full price of service.

B. Customer option to cancel order. Upon receipt of a written confirmation, a customer may, for any reason, cancel the order without penalty or further obligation. The customer shall pay or formally dispute any charges incurred prior to canceling the service.

C. Electronic confirmation. In situations where an ETC solicits a service electronically, e.g. using the Internet, the written confirmation may also be provided by similar electronic means.

D. Written contracts for services. To the extent that the requirements of this section are consistent with the information contained in a written contract for services between the ETC and the customer, the written contract can serve as the written notice required by this section. Written confirmation of an order is required, however, in situations where the written contract does not address each of the requirements of subsection A above. In such situations, the written notice may include only the requirements not included in the written contract.

§ 11 TRANSFER OF SERVICE TO ANOTHER LOCATION

A. No "applicant" status. Notwithstanding any other provision of this Rule, a customer who requests a transfer of basic service from one location to another with the same ETC, or who requests basic service at a new location within 30-days of ceasing prior basic service with the same ETC, may not be considered an "applicant" for basic service purposes.

B. Transfer of existing account balance. Whenever there's a change pursuant to subsection A above, an ETC may transfer without notice the customer's current account balance to the customer's new account.

§ 12 BILLING AND PAYMENT STANDARDS

A. Late payment charges and returned check charges. In addition to complying with the requirements listed below, ETCs must also comply with Chapter 870 of the Commission's rules relating to late payment charges and returned check charges.

B. Bill frequency. An ETC shall bill on a regular recurring basis and must offer at least one monthly billing option.

C. Advance billing limited; discount. An ETC may not require the payment of basic service fees more than 1 month in advance. An ETC may, however, offer customers the option of receiving a discount for early payment.

D. Due date of bills. The due date of a bill for basic service must be at least 25 days after the bill is mailed or otherwise delivered to the customer. If the ETC mails its bills from a location outside the State and requires customers to mail payment to a location outside the State, the due date must be extended 5 days (for a total of 30 days). A bill is considered to have been mailed on the date it is postmarked. If there is no postmark, the ETC shall date the bill and mail the bill on or before the date on the bill.

E. Bill content. Each bill issued by an ETC shall:

1. Identification of ETC. Include a clear and conspicuous identification of the certificated ETC providing the customer's basic service. If the ETC has more than one name, the name appearing on the bill must be the name used to market the service;
2. Date. Identify the date on which the bill was issued;
3. Balance. Identify the balance in each billed account at the beginning of the current billing cycle, using a term such as "previous balance";
4. Charges debited for current billing cycle. Identify the amount of the charges debited to each billed account during the current billing cycle, using a term such as "current service;"
5. Payments made. Identify the amount of payments made to each billed account from the previous billing cycle, using a term such as "payments;"
6. Charges debited for past charges. Identify the amount of the charges debited to each billed account during the current billing cycle for untimely payment of past charges, using a term such as "late charge;"
7. Closing dates and balance. Include a listing of the closing dates of the current billing cycle and the outstanding balance in each billed account on that date, specifying the "current amount due" and the "past due;"
8. Class of service. Identify the applicable class of service as stated in the ETC's rate schedule;
9. Due date. Include a statement, or payment, due date;
10. Receipt deadline. Include the date by which payment of the new balance must be received to avoid assessment of a late charge;
11. Interest rate. Identify the effective monthly interest rate that will be imposed if the bill is not paid by the due date;
12. Basic service charges. Include an itemization of current basic service charges and other fees related to basic service, including installation or reconnection fees, deposit amounts, late payment interest charges, taxes, and separate surcharges provided by the ETC;
13. Contact information. Clearly and conspicuously disclose any information that the subscriber may need to make inquiries about, or contest, charges on the bill; and

14. Toll-free number. Include the toll-free phone number(s) for customer service representatives of the ETC and any other service provider to which charges are due, and to which customer questions or disputes concerning bills or services should be directed.

F. Compliance with federal "Truth-in-Billing" rules. An ETC shall comply with the Federal Communication Commission's "Truth-in-Billing" Rules, 47 CFR §§ 64.2400-2401.

G. Billing errors. An ETC shall promptly notify a customer of a billing error after it discovers or is notified of the error. The ETC shall correct the error within 45 days of discovery or notice. An ETC shall investigate the possibility that a billing error may affect multiple customers and shall immediately notify the Consumer Assistance Division if more than 10 customers in the State are affected by a billing error.

1. Make-up bills. The ETC may issue a corrected bill for previously unbilled service, or for service billed below the tariffed rate, that was provided in the previous 12 months. An ETC may agree to a settlement that abates all or a portion of the previously unbilled service.

2. Refunds. The ETC shall refund any charge billed in excess of correct rates within the previous 6 years from the date of discovery or notice.

H. Payment.

1. Extension of due date required. If the due date for payment falls on a Saturday, Sunday, legal holiday, or any other day when the ETC's offices are not open for business, the ETC shall extend the due date to the next business day.

2. Payment by mail. If the customer sends payment by mail, payment is made on the date the ETC receives the payment.

3. Payment at a remote office. If the customer pays at a branch office or authorized agency of the ETC, payment is made on the date of receipt at that location.

4. Conflicting due dates. When an ETC provides a customer with multiple notices or contacts containing different due dates, payment is due on or before the latest due date.

I. Application of partial payments. An ETC shall apply payments that are insufficient to pay the full account balance to the basic service portion of the bill, beginning with the oldest balances. Any remaining amounts shall be applied to non-basic services.

§ 13 PAYMENT ARRANGEMENTS

A. Payment arrangement required. An ETC shall continue to serve a customer who does not pay a basic service account balance in full if the customer agrees to enter a payment arrangement for the account balance and agrees to pay each future bill for basic service on or before the due date of the bill until the payment arrangement is completed.

B. Written confirmation of payment arrangement. An ETC shall mail or deliver a written confirmation of a payment arrangement to the customer within 3 business days after a payment arrangement is agreed to. The written confirmation shall:

1. Terms of Payment Arrangement. Inform the customer of the terms of the payment arrangement;

2. Contact Information. Include the Consumer Assistance Division's address and toll free telephone number; and

3. Disconnection Notice. Inform the customer of the ETC's right to issue a 3-day disconnection notice for failure to comply with a payment arrangement.

C. Right to payment arrangement limited. An ETC is not required to enter a payment arrangement for an amount overdue as a result of a broken payment arrangement.

D. Basic service payment arrangement to be separate. Any agreement permitting installment payments on an account balance for non-basic service must be separate from a payment arrangement for basic service.

§ 14 DISCONNECTIONS

A. Disconnection at a customer's request. An ETC shall disconnect a customer's basic service on the date requested by the customer, except that the ETC may require a customer to provide up to 3-business days notice before the requested disconnection date. An ETC may require the customer to pay for service until the customer's basic service is disconnected or the 3 business day notice period expires, whichever occurs first.

B. Disconnection without consent. An ETC may begin disconnection procedures for basic service without the customer's consent only if:

1. Non-payment of undisputed overdue amount. The customer does not pay or make a payment arrangement on an undisputed amount overdue for the provision of basic service. Late fees may be included only to the extent the late fee is based upon an amount overdue for basic service;

2. Unauthorized use. There is unauthorized use of basic service, such as service being used without applying for customer status or for criminal activities;
3. Safety risk. The customer's use poses a safety risk to others or the network;
4. Deposit. The customer does not pay or make a payment arrangement for a properly required deposit;
5. Commission decision. The customer does not comply with a decision of the Commission or the Consumer Assistance Division; or
6. Abandoned premises. The customer's premises are clearly abandoned.

C. Limitations. An ETC may not disconnect basic service without the customer's consent or threaten the disconnection of basic service under the following circumstances:

1. Non-payment of non-basic services. An ETC may not disconnect a customer's basic service for the non-payment of toll or other non-basic services.
2. Prepaid basic service. An ETC may not disconnect a customer's basic service until after any prepaid basic service has been provided.
3. Medical emergency. An ETC may not disconnect a customer's basic service if the ETC has been notified of a medical emergency in accordance with section 15.

D. Notice requirements.

1. Residential customers. An ETC shall provide a disconnection notice to a residential customer at least 14 calendar days before the stated disconnection date if the reason for disconnection is failure to pay or make a payment arrangement on undisputed charges for the provision of basic service.
2. Nonresidential customers. An ETC shall provide a disconnection notice to a nonresidential customer at least 7 calendar days before the stated disconnection date if the reason for disconnection is failure to pay or make a payment arrangement on undisputed charges for the provision of basic service.
3. Three business-day disconnection notice. An ETC shall provide a disconnection notice to residential and nonresidential customers at least 3 business days before the stated disconnection date if the disconnection is for:
 - a. failure to meet the terms of a payment arrangement;

- b. failure to provide a properly required deposit; or
- c. failure to comply with a decision of the Commission or the Consumer Assistance Division.

4. No notice. An ETC may disconnect basic service without any prior notice if the disconnection is:

- a. at the customer's request;
- b. for unauthorized use;
- c. for use posing a risk to others or to the network; or
- d. for abandonment.

5. Time of issuance

a. An ETC may not issue a 14-day or 7-day disconnection notice until after the due date of the bill for which charges have not been paid and until prepaid services are used.

b. An ETC may not issue a 3-day disconnection notice until at least 1 business day after the date a payment was due pursuant to a payment arrangement.

c. An ETC that mails disconnection notices from or requires that payment be sent to location(s) outside the State must add 5 calendar days to the notice time periods specified above.

6. Period of effectiveness. A disconnection notice is effective for the disconnection date stated in the notice and for 10 business days after that date. If an ETC fails to disconnect basic service within 10 business days after the disconnection date, the disconnection notice procedures must be repeated.

7. Dishonored check

a. If the customer has paid by a check that is not honored by the bank before the disconnection notice expires, the ETC shall attempt to contact the customer to obtain payment before disconnecting service.

b. If a check is not honored by the bank after the disconnection notice expires, the ETC may issue a 3-business-day disconnection notice and require payment by cash or certified check. A disconnection notice issued as a result of a dishonored check supersedes any other pending disconnection notice.

8. Content of disconnection notice. An ETC's disconnection notice must be in writing and conspicuously contain the following information:

- a. Amount overdue. The amount overdue or the reason for disconnection if not for an amount overdue.
- b. Steps to avoid disconnection. The steps the customer may take to avoid disconnection of basic service.
- c. Disconnection date. The disconnection date and the effective period of the disconnection notice.
- d. Customer's right to postpone disconnection due to a medical emergency. A statement of a residential customer's right to postpone disconnection of basic service for a medical emergency and a description of how to declare a medical emergency under section 15 of this Chapter.
- e. Customer's right to a payment arrangement. A statement that the customer can avoid disconnection of basic service by agreeing to a payment arrangement. This disclosure is not required if the notice is for a broken payment arrangement.
- f. Customer's right to file a complaint with the Consumer Assistance Division. A statement of the customer's right to submit a disputed matter prior to the disconnection date to the Consumer Assistance Division. The statement must include the Division's current address and telephone numbers. The statement must also state that the customer may not submit a dispute to the Consumer Assistance Division until the customer has first tried to resolve the dispute with the ETC.
- g. Contact person and toll free number for ETC. The title and toll-free phone number of an appropriate customer representative of the ETC.
- h. Requirements for reconnection. A statement of the requirements for reconnection of basic service, reconnection charges, if any, and the ETC's security deposit requirements.

E. Timing of Disconnection

- 1. Attempt to contact. An ETC shall make a reasonable effort to contact the customer by phone before the customer's basic service is disconnected. If the ETC contacts the customer before disconnection, the ETC shall orally provide the customer with the information previously included in the written disconnection notice under section 14(D)(8).
- 2. Timing. Disconnection of a residential customer's basic service must occur between 8:00 a.m. and 3:00 p.m. on the disconnection date specified in the notice or during the effective period of the notice. Disconnection may not occur on a

Friday, weekend, legal holiday, any other day when the ETC or the Commission is not open for business, or on the day before any day when the ETC or the Commission is not open for business. These restrictions do not apply if:

- a. the ETC has made special arrangements with the customer to disconnect at an alternative time;
- b. the disconnection is for unauthorized use or the existence of a safety risk; or
- c. the ETC has personnel available to resolve disputes and reconnect basic service for at least two hours after the disconnection occurs. In that case, the ETC may disconnect service no later than 5:00 p.m.

§ 15 MEDICAL EMERGENCY

A. Service required during a medical emergency. An ETC may not disconnect basic service and may not refuse to connect or reconnect basic service to any residential customer when the customer or an occupant of the customer's residence is certified by a physician to have a medical condition such that a lack of basic service would pose a serious risk of harm to that individual. In situations where the household has multiple telephone lines, basic service may be disconnected pursuant to section 14 of this rule, provided that basic service continues in at least one telephone line. An ETC must also accept and provide basic service to a customer who is transferred to the ETC by a non-ETC when the customer or a member of the customer's household is certified by a physician to have a medical condition such that a lack of basic service would pose a serious risk of harm to that individual. The ETC shall charge the non-ETC any non-recurring service installation costs associated with the transferred customer.

B. Disconnection postponed pending certification. If the customer or member of the customer's household notifies the ETC that a medical emergency exists and that certification will be obtained, the ETC may not disconnect basic service for at least 3 business days or until the final date of a disconnection notice, whichever date is later. If the certification is not provided within the 3-day period, the effective period of a pending disconnection notice can be extended to accommodate this 3-day period if the ETC notified the customer of the extension at the time the ETC was notified of the medical emergency.

C. Certification procedure. A physician's certification of a medical emergency may be oral or written. For purposes of this section, a "physician" is any person licensed by Maine Board of Licensure in Medicine, his or her agent, or any Maine-licensed mental health counselor. The ETC may require written confirmation within 7 days of an oral certification.

D. Connection or reconnection of service. When an ETC is required to connect or reconnect basic service under this section, the ETC shall attempt to provide service on the day it receives the certification. In any case, service must be provided before the end of the next day.

E. Length of service; renewals. The ETC may not disconnect the customer for the time period specified in the certification or 60 days, whichever is less. A certification may be renewed for additional periods of up to 60 days each as long as the medical emergency continues.

F. Customer's duty to pay or make a payment arrangement. Whenever service is provided due to the existence of a medical emergency, the ETC shall inform the customer of the continuing duty to pay or make a payment arrangement for the amount overdue but may not disconnect basic service as long as a medical emergency is certified to exist.

§ 16 RECONNECTION OF SERVICE

A. Duty to reconnect. If basic service has been disconnected, an ETC shall, upon the customer's request, reconnect basic service after the cause of disconnection has been removed. If the request to reconnect service is made within 10 days following the disconnection of service, the reconnection shall take place within one business day of the request. If the request to reconnect service is not made within 10 days following the disconnection, the reconnection should take place as soon as possible.

B. Payment arrangement. An ETC shall offer the customer a payment arrangement on the account balance if the disconnection was for nonpayment, unless the cause of the disconnection was the customer's failure to honor a previously established payment arrangement.

C. Reconnection fee. An ETC may file a rate schedule to charge a reasonable fee for reconnection. The fee may be higher for reconnection after normal business hours.

§17 OPTIONAL SERVICE PROVIDERS

A. Marketing of optional services. An ETC that also provides optional services shall inform potential customers:

1. Services not necessary for basic service. That such services are optional and not necessary to receive basic service; and

2. Costs. Of all costs associated with the optional service, including equipment or usage charges, installation costs and any contract terms requiring that a customer retain the service or pay for the service for a specific period of time.

- B. Bill disclosure. Any bill for optional services shall clearly identify:
1. Service provided. Each optional service provided;
 2. Costs. The costs associated with each optional service; and
 3. Payments and credits. Each payment or credit and the total payments or credits made to the customer's account during the billing period.

C. Optional and basic service bills combined. If charges for optional services are included with a basic service bill, the optional service charges must be readily identifiable as non-basic service. A statement must disclose to the customer that failure to pay for optional services cannot cause disconnection of basic service. For bundled service offerings, a statement must be provided informing the customer that failure to pay for the bundled service may result in the customer defaulting to the minimum basic service offering.

§ 18 DISPUTE RESOLUTION PROCEDURES

A. Toll-free line. An ETC shall have a toll-free number for customers to call to resolve billing and service disputes.

B. Employees available. An ETC shall have an adequate number of properly trained employees available during business hours to respond to questions from applicants and customers, resolve disputes, and address requests for service. Customers calling the toll-free number discussed in subsection A above must be provided the opportunity to talk to a live customer representative without spending an unreasonable amount of time on hold and without being forced to navigate through an unreasonable number of menu levels in an automated phone answer system.

C. Basic service disconnection limited. An ETC may not threaten disconnection or disconnect the basic service of a customer if the customer has informed the ETC that the customer disputes liability for the basic services portion of the bill, an ETC's deposit request, or the terms of a payment arrangement required by an ETC to avoid disconnection, until the dispute is resolved pursuant to subsection D below. When a customer disputes only a portion of the basic service bill, the ETC may require payment of that portion not in dispute to prevent disconnection.

D. Dispute resolution process. When an ETC becomes aware of a dispute by an applicant or customer, whether or not disconnection is pending, the ETC shall:

1. Investigate dispute. Investigate the dispute, preserving a record of the substance and results of the investigation;
2. Report results. Report the results of its investigation to the applicant or customer based on the record; and

3. Attempt to resolve dispute. Attempt in good faith to resolve the dispute.

E. Notification of right to file a complaint with the Consumer Assistance Division. If an ETC cannot resolve the dispute with the applicant or customer after the procedures set forth above have been completed, the ETC shall orally inform the applicant or customer of the right to file a complaint with the Consumer Assistance Division and of the toll-free telephone number of the Commission. If the complaint concerns a pending disconnection of basic service, the ETC shall orally inform the customer that the complaint must be filed before the disconnection date or within 2 business days of the oral notice, whichever is later. During that time, the basic service provider may not disconnect or cancel the customer's basic service.

F. Limitation of disconnection during Consumer Assistance Division investigation.

1. Limitation on disconnection pending resolution. An ETC may not threaten disconnection or disconnect service to a customer who has filed a complaint with the Consumer Assistance Division until the complaint is resolved pursuant to subsection G below.

2. Reconnection pending resolution. If a customer files a complaint after service has been disconnected or terminated, the customer is entitled to reconnection pending resolution of the complaint only if the Director or Assistant to the Director of the Consumer Assistance Division finds reasonable grounds to believe that the ETC has failed to issue a disconnection or termination notice, has issued a disconnection or termination notice that fails to substantially conform to this Chapter or has failed to notify the customer of the right to file a complaint with the Consumer Assistance Division as required by subsection E above. If the Consumer Assistance Division orders the ETC to reconnect service on this basis, the ETC shall reconnect the customer's service without reconnection charges or deposit.

G. CAD complaint process

1. Consumer Assistance Division acceptance of complaint. The Consumer Assistance Division may reject, without investigation, a complaint that is outside its jurisdiction or is without merit. A complaint may be considered to be "without merit" if, among other things, the Consumer Assistance Division has previously issued a decision regarding the same issue that is the basis for the complaint. The customer may appeal the rejection of a complaint to the Commission, except that a pending disconnection, termination or cancellation will not be delayed as provided in subsection F(1) above. If the Consumer Assistance Division accepts a complaint, the Consumer Assistance Division shall investigate the complaint.

2. Consumer Assistance Division investigation of a complaint. The Consumer Assistance Division will inform an ETC in writing, by telephone, by e-mail, by fax, or by any other means that is acceptable to both the utility and the ETC, that a

complaint has been filed and the date of the filing. The Consumer Assistance Division will conduct an informal investigation of the dispute that may include:

- a. an informal meeting with the customer and/or an ETC representative;
- b. a review of the written record of the ETC's investigation required by subsection D above; and
- c. an examination of other records, such as billing and payment information, notice of disconnection, or any other information that the Consumer Assistance Division deems relevant to the dispute.

3. Provision of information to the Consumer Assistance Division by an ETC. An ETC shall provide information requested by the Consumer Assistance Division within 10 business days of its receipt of the request. This information may include, but is not limited to, billing and payment information, notice of disconnection information, the written record of the utility's investigation of the customer's dispute required by subsection D above, or any other information in the ETC's possession or that is readily available to the ETC that the Consumer Assistance Division deems necessary to investigate the customer's dispute. If the ETC cannot provide the requested information within the 10-day time period, it may request an extension from the Director of the Consumer Assistance Division or his designee. The extension request may be made orally or in writing and it may be granted or denied orally or in writing.

4. Decision. The Consumer Assistance Division shall complete its investigation and issue a written decision as soon as practicable. The decision by the Consumer Assistance Division shall impose any just and reasonable requirements necessary to resolve the dispute.

5. Notice of appeal rights. When a decision is rendered, the Consumer Assistance Division shall inform the customer and the ETC of the right to appeal the Consumer Assistance Division's decision to the Commission and of the rights of both parties while an appeal to the Commission is pending.

H. Appeal to the Commission.

1. Appeal process. The customer or the ETC may appeal a Consumer Assistance Division decision to the Commission by filing a notice of appeal with the Administrative Director of the Commission within 10 calendar days after the date of the decision. Notwithstanding section 6(D) of the Maine Rules of Civil Procedure and section 305 of the Commission's Rules of Practice and Procedure (Chapter 110), no additional time is allowed for mailing.

2. Disconnection delayed. If an appeal is filed with the Commission, an ETC may not disconnect or terminate the customer's service until the appeal is decided.

3. Commission review. The Commission shall review the decision to determine if it complies with applicable statutory and regulatory requirements, is based on sound facts, and does not represent an abuse of discretion by the Consumer Assistance Division.

4. Order. The Commission shall issue an order affirming the Consumer Assistance Division's decision or, if the decision is not affirmed, the Commission shall:

- a. remand the complaint to the Consumer Assistance Division for reconsideration with an explanation of the basis for the remand;
- b. remand the complaint back to CAD to gather further facts; or
- c. issue an order reversing or altering the Consumer Assistance Division's decision.

§ 19 RECORDS; REPORTS

A. Record maintenance. An ETC shall preserve records of disputes for two years and keep those records readily available for examination by the Commission and its staff. Dispute records must include:

1. Name and address. The name and address of the applicant or customer with the dispute;
2. Date and subject matter. The date and subject matter of the dispute;
3. Record of investigation. The record of the investigation required by section 18(D) above;
4. Communications. A summary of all communications to or from the customer regarding the dispute;
5. Offer. The adjustment or resolution offered by the ETC to the customer; and
6. Final resolution. The final adjustment or resolution of the dispute.

B. Reports to the Commission. An ETC's annual report to the Commission shall include:

1. Number of accounts. The average number of residential and nonresidential accounts for the year;

2. Disconnection notices. The number of residential and non-residential disconnection notices issued per month, by type, for the year;
3. Disconnections. The number of residential and nonresidential disconnections (except those performed at the customer's request) per month for the year;
4. Reconnections. The number of reconnections of residential and nonresidential customers following disconnection without consent per month for the year;
5. Disputes. The total number of residential and nonresidential customer disputes handled for the year;
6. Deposits. The number of residential and nonresidential deposits requested and received and their average dollar amount for the year; and
7. Denials. The number of residential and nonresidential applications for service that were denied for the year.

C. Residential and nonresidential information stated separately. The information required by subsection B above shall separate residential account information from nonresidential account information.

§ 20 WAIVER

A. General waiver. Upon the request of any person subject to this Rule or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 35-A. The Commission, the Director of the Consumer Assistance Division, or the Hearing Examiner assigned to a proceeding related to this Chapter, may grant the waiver.

B. Individual customer exemption

1. Request requirements. An ETC may request that the Consumer Assistance Division grant an exemption from any provision of this Chapter in any case involving an individual applicant or customer whose conduct and known financial condition pose a clear danger of substantial losses to the ETC. A request for exemption under this subsection must be made to the Consumer Assistance Division. The request may be written or oral, but an oral request must be followed promptly by a written confirmation. The written request or confirmation shall include a detailed statement of the facts alleged by the ETC in support of the request. The ETC shall immediately notify, in writing, the individual applicant or customer whose service would be affected by the proposed exemption, describing the nature and effect of the exemption requested and the facts alleged in support of the request.

2. Consumer Assistance Division investigations. The Consumer Assistance Division may reject, without investigation, any request that does not present facts that satisfy the standard of subsection 1 above. Before granting any exemption, the Consumer Assistance Division shall informally investigate the matter.

3. Decision. When the Consumer Assistance Division completes its investigation or summarily rejects the request, it shall issue a decision granting, denying, or granting in part the requested exemption. When the Consumer Assistance Division determines that an exemption is required to avoid a clear danger of substantial losses to the ETC, it shall notify the customer and the ETC of the decision. The notification may be made orally, but the Consumer Assistance Division shall promptly issue a written confirmation of the decision. The decision or written confirmation shall:

- a. describe the nature and effect of the exemption;
- b. explain why the exemption was granted or denied; and
- c. inform the customer and the ETC of the right to appeal the Consumer Assistance Division's decision to the Commission, as provided in subsection 4 below.

4. Appeals to Commission. By following the procedures in section 18(H) of this Chapter, a party may appeal a decision by the Consumer Assistance Division granting or denying, in whole or in part, a request for an exemption. If the Consumer Assistance Division grants an exemption, the ETC may not act on the exemption until the appeal period expires.

BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Statement of Factual and Policy Basis and Order Adopting Rule, Commission Docket No. 2000-43 issued on February 2, 2001. Copies of this Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A., §§ 104, 111, 704, and 705.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on June 25, 2002. It was filed with the Secretary of State on June 25, 2002 and will be effective on June 30, 2002.